

**MN Department of Human Services**  
**Social Services Manual**

**Residential Treatment Service**

**XVI-5000**

Not revised

**XVI**

**RESIDENTIAL TREATMENT SERVICE**

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#### **Authority**

**XVI-5100**

#### **Authority Cited in Manual**

**XVI-5110**

1. Minnesota Rules, parts 9565.3500 to 9565.3700 (Department of Human Services, Residential Treatment Services).

#### **Other Relevant Authority Citations**

**XVI-5120**

1. Pub. L. 96-272 (Adoption Assistance and Child Welfare Act of 1980).
2. Pub. L. 97-35 (Title XX Block Grant to States for Social Services).
3. Pub. L. 93-112, as amended by Pub. L. 93-516 of 1974 (Rehabilitation Act of 1973).
4. 45 CFR 96.20 (Social Services Block Grant: Title XX of the Social Security Act).
5. 45 CFR 84 (Nondiscrimination on Basis of Handicap).
6. Minn. Stat. 144.651 (1986) (Patients and Residents of Health Care Facilities; Bill of Rights).
7. Minn. Stat. 144.652 (1986) (Policy Statement to Patient or Resident; Violation).
8. Minn. Stat. 245.51 (1986) (Interstate Compact on Mental Health).
9. Minn. Stat. 246 (1986) (Public Institutions).
10. Minn. Stat. 252 (1986) (State Hospitals for Persons with Mental Retardation).
11. Minn. Stat. 252A (1986) (Mental Retardation Protection Act).
12. Minn. Stat. 253 (1986) (Mentally Ill; State Hospitals).
13. Minn. Stat. 253B (1986) (Minnesota Commitment Act).
14. Minn. Stat. 254 (1986) (Willmar State Hospital; Commitment of Certain Drug Users).
15. Minn. Stat. 254A (1986) (Treatment for Alcohol and Drug Abuse).
16. Minn. Stat. 256.01 (1986) (Commissioner of Human Services Powers and Duties).
17. Minn. Stat. 256.05 (1986) (Supervision over Paroled Patients; State Agents Appointed).
18. Minn. Stat. 257.071 (1986) (Children in Foster Homes; Placement; Review).
19. Minn. Stat. 257.40 (1986) (Interstate Compact on Placement of Children.).
20. Minnesota Rules, parts 9520.0500 to 9520.0690 (Department of Human Services, Licensing of Residential Facilities for Mentally Ill Persons).
21. Minnesota Rules, parts 9525.0210 to 9525.0430 (Department of Human Services, Residential Programs and Services for Persons Who are Mentally Retarded).

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22. Minnesota Rules, parts 9525.0500 to 9525.0660 (Department of Human Services, Services and Facilities for Mentally Retarded Persons).
23. Minnesota Rules, parts 9530.0100 to 9530.1700 (Department of Human Services, Standards for Chemically Dependent Persons).
24. Minnesota Rules, parts 9530.2500 to 9530.4000 (Department of Human Services, Residential Programs for Inebriate and Drug Dependent Persons).
25. Minnesota Rules, parts 9530.6600 to 9530.6655 (Department of Human Services, Chemical Dependency Level of Care Criteria for Public Clients Seeking Treatment Services).
26. Minnesota Rules, parts 9545.0900 to 9545.1090 (Department of Human Services, Licensing of Child Caring Institutions).
27. Minnesota Rules, parts 9545.1200 to 9545.1330 (Department of Human Services, Licensing of Maternity Shelters).
28. Minnesota Rules, parts 9545.1400 to 9545.1500 (Department of Human Services, Licensing of Group Homes).
29. Minnesota Rules, parts 9545.2000 to 9570.3600 (Department of Human Services, Services to Physically Handicapped).
30. Minnesota Rules, parts 9560.0500 to 9560.0670 (Department of Human Services, Foster Care Services for Children).

### **Definitions**

**XVI-5200**

1. Residential Treatment Service: The arrangement for and provision of a therapeutic or developmental experience within a controlled 24-hour-a-day residential facility.  
**Part 9565.3600, subpart 3**
2. Residential Facility: Any facility, public or private, which provides 24-hour-a-day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment which cannot be furnished in a person's own home. Residential facilities include, but are not limited to, state institutions, regional treatment centers, residential treatment centers, residential training centers, maternity shelters, group homes, residential programs such as half-way houses and primary treatment centers, or schools for handicapped children. Residential facilities, for purposes of this rule, do not include foster family homes.  
**Part 9565.3600, subpart 2**
3. Local Social Services Agency: Local agency under the authority of the county board or human services board responsible for social services.  
**Part 9565.3600, subpart 1**
4. State Agency: Minnesota Department of Human Services.  
**Part 9565.3600, subpart 4**

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### **Resource Utilization**

**XVI-5300**

### **Facility Standards**

**XVI-5310**

The local agency shall utilize only those residential facilities which meet all licensing or certification standards established by the State. If out-of-state facilities are utilized, the facility shall meet standards comparable to those established by Minnesota state agencies.

**Part 9565.3700, subpart 1**

### **Selection of Facility**

**XVVI-5320**

The local agency shall base its selection of a residential facility on the facility's capacity to meet the client's individual needs. When there is more than one approved vendor who could meet the client's needs, the local social services agency shall help the client to participate in the selection of the most appropriate facility. For chemical dependency clients, this placement shall be consistent with the rules governing chemical dependency level of care standards.

**Part 9565.3700, subpart 2;  
Parts 9530.6600 to 9530.6655**

### **Provision of Information to Facility**

**XVI-5330**

The local social services agency shall give the residential facility that information which the facility determines it needs to provide appropriate care and treatment, provided that the information is accompanied by a signed release-of-information form from the client.

**Part 9565.3700, subpart 3**

### **Client Social Services Plan**

**XVI-5340**

The local social services agency shall collaborate with the facility in the development, ongoing evaluation, and implementation of the client social services plan, and, to the extent possible, shall utilize the assistance of the facility in developing post-discharge plans for the local social services agency's continuing services to the total family. For persons with mental retardation or related conditions, see SSM XIII-5121.

**Part 9565.3700, subpart 4**

### **Service Plan and Review for Children in Residential Facilities Development and Implementation**

**XVI-5341  
XVI-5341.01**

The local social services agency shall prepare a service plan within 30 days for every child who is placed in a residential facility and for whom the local social services agency has placement and/or supervisory responsibility. The plan shall be a written document which is signed by the parent(s), or other custodian of the child, the child's legal guardian, the local agency, and, if possible, the child.

NOTE: Children in facilities licensed under Minnesota Rules, parts 9525.0210 to 9525.0430 for persons who are mentally retarded and parts 9545.0900 to 9545.1090 for those who are emotionally disturbed are bound by the requirements of this statute.

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If they so desire, the parent(s) and the child shall each have the right to legal counsel in the preparation of the service plan and shall be informed at the time of placement of this right. The child shall also have the right to a guardian ad litem. If the parent(s) or child are unable to employ counsel from their own resources, the court shall appoint counsel at the request of the parents, the child, or the legal guardian. The parent(s) may also receive assistance from any person or social services agency in preparation of the service plan.

The plan shall be explained to all persons involved in its implementation, including the child. After the plan has been agreed on by the parties involved, the foster parents shall be fully informed of the provisions of the plan.

**Adapted from Minn. Stat. 257.071**

### **NOTES:**

1. The local agency which has financial responsibility or legal custody is responsible for the development of an appropriate written service plan.
2. If another local agency will be providing services to the child and the child's family, that agency may develop the written plan.
3. If one local agency is working with the child and a second agency is working with the child's parent(s), the two agencies will jointly develop the written plan. The agency which will be working with the parents takes the lead role and may collaborate with the agency servicing